

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Boards of Trustees, et al.,	:	
	:	
Plaintiffs	:	Case No. 2:03-cv-474
	:	2:07-cv-874
v.	:	
	:	Judge Holschuh
Ground Level Inc., et. al,	:	
	:	Magistrate Judge Abel
Defendants	:	

ORDER

This matter is before the Court on Plaintiffs' unopposed June 4, 2008 motion (2:03-cv-474, doc. 64) for attorney fees. It is RECOMMENDED that Plaintiffs' motion be **GRANTED**.

On April 15, 2008, a Report and Recommendation was issued after a contempt hearing in the above captioned cases. (Doc. 60.) It recommended judgment in the amount of \$9,397.68 plus costs and attorney fees to be entered against Defendants. (*Id.* at p. 60.) Sanctions were deferred until a scheduled April 25, 2008 teleconference was held. (*Id.*) At the teleconference, Defendants agreed to pay Plaintiffs the amounts due and owing in two installments in May 2008. They also agreed to pay Plaintiffs' attorney fees. (See Doc. 62, Status Conference Order.) At a follow-up teleconference on May 16, 2008, the parties acknowledged that Defendant Ground Level, Inc. paid the amounts due and owing to the Plaintiffs, including penalties and

interest. (See Doc. 63, Status Conference Order.) Ground Level also acknowledged that it owes \$6,142.50 in attorney fees and agreed to pay it by June 2, 2008.

Plaintiffs now move the Court for payment of \$6,142.50, which Ground Level agreed to pay. Plaintiffs attached an Affidavit and Statement of Attorney Fees. Plaintiffs' attorney expended 31.50 hours and billed at \$195 per hour. Accordingly, I **RECOMMEND** that judgment be entered awarding Plaintiffs \$6,142.50 in attorney fees.

If any party objects to this Report and Recommendation, that party may, within ten (10) days, file and serve on all parties a motion for reconsideration by the Court, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. *See* 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *See also Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

s/Mark R. Abel
United States Magistrate Judge